

I urge all of my colleagues to support this bill, and I yield back the balance of my time.

Mrs. WALORSKI. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Mr. FASO and Mr. REED from New York and Ms. BASS from California for introducing this important bill, and I urge my colleagues to vote "yes."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Indiana (Mrs. WALORSKI) that the House suspend the rules and pass the bill, H.R. 2847.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mrs. WALORSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## REDUCING UNNECESSARY BARRIERS FOR RELATIVE FOSTER PARENTS ACT

Mr. KELLY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2866) to review and improve licensing standards for placement in a relative foster family home, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2866

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Unnecessary Barriers for Relative Foster Parents Act".

### SEC. 2. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2018, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes (as defined in section 472(c)(1) of the Social Security Act).

(b) STATE PLAN REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (18), by striking "and" after the semicolon;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(20) provide that, not later than April 1, 2019, the State shall submit to the Secretary information addressing—

"(A) whether the State licensing standards are in accord with model standards identified by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the State;

"(B) whether the State has elected to waive standards established in 471(a)(10)(A)

for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

"(C) if the State has elected to waive standards specified in subparagraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in waiving nonsafety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

"(D) a description of the steps the State is taking to improve caseworker training or the process, if any."

### SEC. 3. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Subject to subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

(1) IN GENERAL.—In the case of a State plan under part E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by this Act (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KELLY) and the gentleman from Illinois (Mr. DANNY K. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

### GENERAL LEAVE

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extent their remarks and include extraneous material on H.R. 2866, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Thank you for giving me the opportunity to speak on H.R. 2866, the Reducing Unnecessary Barriers for Relative Foster Parents Act, introduced by my friend from Pennsylvania (Mr. SMUCKER).

Introducing this legislation, Congressman SMUCKER was joined by our Ways and Means colleague, Congresswoman TERRI SEWELL from across the aisle. The bill has strong bipartisan support, including mine. I am a cosponsor. And the Child Welfare League of America has strongly endorsed this legislation.

So what does this bill do? Well, in short, the bill will reduce the bureaucratic process for placing children in foster care with relatives, when possible, and is in the best interest of the child.

Now, this just makes common sense. Last year alone, there were almost a half million children in foster care, more than 16,000 children in my home State of Pennsylvania alone. Now, there are countless family members of these foster children who are not only willing, but they are ready to have these children placed in their homes when one of their relatives can't take care of them.

As a matter of good public policy, we should be making the placement process much easier for family members, not more difficult, because it is often in the best interest of the child.

Studies show that placing foster children with relatives solves many of the problems children face when being placed into foster care; moreover, it improves the outcomes for these children. Children are more likely to succeed when they can stay with a family member of their own and someone they are already familiar with and know. Children placed with relatives tend to spend less time in foster care and also experience much more stability.

The problem is that, while current law allows States to waive certain licensing standards when placing children with relatives, many States have been slow to implement the law. One of the purported reasons is that caseworkers are slow or they simply don't know how to place children with relatives because of a lack of training on their part.

Today, caseworkers may not be adequately trained regarding their ability to waive certain standards when licensing relatives. This has resulted in delays in placing children with relatives.

And when these children are already facing a tremendous amount of turmoil and uncertainty in their lives, we shouldn't be tying them up in bureaucratic red tape. We need to do more to place these children with a loving family member whenever possible.

Now, how do we do that? Well, Representative SMUCKER's bill, H.R. 2866, will help remedy this problem by making our foster care system more family

friendly, by ensuring States take proactive steps to speed up the licensing process for relatives.

Specifically, the bill would require Health and Human Services to identify reputable model standards for licensing foster family homes by October 1, 2018. States, subsequently, would need to do their part by submitting their plans to be in compliance with model standards for family foster care placement. Additionally, States would need to explain how caseworkers in their respective States are being trained.

This commonsense bill is at absolutely no cost to taxpayers, but it would pay tremendous dividends for our Nation's children. Every child deserves to be raised in a loving home. The Smucker-Sewell bill will ensure that many more children can live safely and happily with loving family members when they cannot stay in their own home with their nuclear family.

I hope my colleagues will join me in supporting this important legislation. Passing this legislation is the very least we can do for these children.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Alabama (Ms. SEWELL) for the purpose of a colloquy.

Ms. SEWELL of Alabama. Mr. Speaker, I thank Ranking Member DAVIS for yielding me the time.

At this time, I would like to engage in a colloquy with the gentleman from Pennsylvania (Mr. KELLY).

As we have discussed, H.R. 2866 requires HHS to identify reputable model licensing standards so that States can determine whether their current requirements are in accord.

Is it your expectation that the National Association for Regulatory Administration's Model Family Foster Home Licensing Standards would be the kind of standards envisioned by the bill?

Mr. KELLY of Pennsylvania. Will the gentlewoman yield?

Ms. SEWELL of Alabama. I yield to the gentleman from Pennsylvania.

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the gentlewoman for yielding.

My feeling is the National Association for Regulatory Administration's Model Foster Home Licensing Standards would be a prime example of what HHS should consider.

Ms. SEWELL of Alabama. Mr. Speaker, I thank the gentleman from Pennsylvania for that response.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SMUCKER), the sponsor of this important legislation, from my home State and a key member of the Keystone Coalition.

Mr. SMUCKER. Mr. Speaker, I rise in support of and to ask my colleagues' support for H.R. 2866, the Reducing Un-

necessary Barriers for Relative Foster Parents Act.

I would like to first thank my friend and colleague from Pennsylvania for his leadership and sponsorship of this bill. I would like to thank the chair of the Ways and Means Committee, Representative BRADY, and members of the Ways and Means Committee for bringing this bill to the floor, and I would like to thank my cointroducer of the bill, Representative SEWELL from Alabama, as well, for the work that she has done in regards to foster care issues over the years.

Every child, Mr. Speaker, deserves a loving home; but when a child's home is no longer safe, often because of abuse, neglect, or behavioral issues, children are placed in foster homes. In fact, in 2015, more than 670,000 American children—16,000 in Pennsylvania, the State, including in my district, more than 16,000 there have spent time in foster care.

Countless families across the country are willing and eager to accept foster children into their homes, and research shows that placement with relatives is better for the child. Therefore, Federal policy should make it easier for foster children to be placed with family members.

Our bill is being considered today on the floor, and again, I ask for my colleagues' support. When it comes to finding loving homes for children, this is a bipartisan issue. There are no Republicans or Democrats, just mothers and fathers, aunts and uncles, and sons and daughters who believe each child should have a bed to be tucked into at night in a loving home.

Mr. Speaker, I would like to also note that the following organizations have expressed support for H.R. 2866: the American Academy of Pediatrics, the American Congress of Obstetricians and Gynecologists, Child Welfare League of America, First Focus, March of Dimes, and the National Association of Pediatric Nurse Practitioners.

Again, I would like to thank Representative SEWELL from Alabama for her work on foster care issues and for her leadership on this bill. We really appreciate her work.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I strongly support H.R. 2866, the Reducing Unnecessary Barriers for Relative Foster Parents Act.

This important bill helps relative caregivers by requiring States to examine whether their licensing standards align with the best practices in licensing family foster homes. In so doing, H.R. 2866 requires States to set reasonable requirements for family homes, standards that consider community norms and cultural differences and standards that remove artificial barriers to family care.

I have advocated these provisions within my own bill to improve support for kinship caregivers, and I am proud to support Congresswoman SEWELL and Congressman SMUCKER's bill.

More than 25 percent of children in care live with a grandparent or other relative. My congressional district has the highest percentage of children living with grandparent caregivers in the Nation, followed closely by two other congressional districts in Illinois.

In Illinois, 37 percent of all children placed in out-of-home care are placed with relatives; however, less than half of these children are placed with relatives in homes that are licensed.

The vast majority of relative caregivers are not able to become licensed caregivers because the standards do not make sense with their circumstances, such as requiring a grandmother in an expensive city like Chicago to have one bedroom for each of her three grandbabies or requiring her to take dozens of hours of parent training each year.

In 2008, I worked with Congressman Jerry Weller from Illinois to allow States the ability to waive nonsafety licensing standards on a case-by-case basis to help kinship caregivers via the Fostering Connections Act. Unfortunately, many States chose not to exercise this waiver authority to assist kin caregivers.

For example, in 2011, although Illinois had more than 3,600 nonlicensed relatives caring for youth, only 72 licensing waivers for relatives were approved. Less than 2 percent received waivers.

H.R. 2866 requires States to modernize their licensing standards to align with the best practices in licensing. This is a commonsense and important change.

□ 1615

Further, this bill advances our goal of ensuring that States follow the waivers to meet the best interests of the children. To understand the use of waivers, Children's Bureau should collect data on State's granting waivers for nonsafety licensing standards for relatives, including the number of relatives applying for waivers, the number of waivers issued or denied, and the reason for denial.

I strongly support H.R. 2866, the Reducing Unnecessary Barriers for Relative Foster Parents Act and urge my colleagues to support it.

I reserve the balance of my time.

Mr. KELLY of Pennsylvania. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentlewoman from Alabama (Ms. SEWELL) who is a sponsor of this bill.

Ms. SEWELL of Alabama. Mr. Speaker, I thank Ranking Member DAVIS for yielding me the time.

H.R. 2866, the Reducing Unnecessary Barriers for Relative Foster Parents Act, is a commonsense piece of legislation that has strong bipartisan support right here in the House. I want to especially thank the gentleman from Pennsylvania (Mr. SMUCKER) who is joining me in introducing this bill. I want to

thank him for his leadership on foster care and foster youth and again say thank you for looking for what is in the best interests of the most vulnerable children in our society.

H.R. 2866 has been supported by not only bipartisan support here in the House but has the support of many foster care advocacy groups, including Generations United, the Annie E. Casey Foundation, and the American Academy of Pediatrics.

Mr. Speaker, we need to do everything in our power to make the foster care system family friendly, and H.R. 2866 takes an important step in that direction. By motivating States to update the foster care licensing regulations, we can reduce red tape and make it easier for family members to become foster parents.

Research conducted by the Department of Health and Human Services, academics, and advocacy groups all show that children experience better outcomes when they are in the care of family members compared to children in nonrelative care.

When kids are placed with a relative like a grandparent, they experience fewer school changes, are less likely to reenter the foster care system, and are more likely to be adopted. Moreover, data shows that foster youth experience better behavioral and mental health outcomes, are more likely to report that they "feel loved," and are more likely to stay connected with their communities.

I want to again thank Representative SMUCKER from Pennsylvania for his leadership and sponsorship of this bill with me, as well as my Democrat and Republican colleagues on the House Ways and Means Committee for unanimously supporting this legislation.

I am encouraged to see that this body values our foster youth, and I hope we can continue to keep up the spirit of bipartisanship.

Mr. Speaker, I urge my colleagues to support this commonsense legislation.

Mr. KELLY of Pennsylvania. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. BASS).

Ms. BASS. Mr. Speaker, I rise in support of H.R. 2866, and I want to congratulate my good friends, Representatives SEWELL, KELLY, and SMUCKER for this legislation to reduce barriers for relative caregivers.

Ironically, in the 1990s, when the crack cocaine epidemic hit, that was the first time that women started using drugs equal to men. It hadn't happened before, and so families fell apart. One of the things that happened, in the early 1990s, was in the middle of the night a grandmother might be called and three grandchildren delivered to her by Children's Protective Services. The grandmother would take the children without any support and without any knowledge of how to deal with the trauma that the children faced.

During those years, we actually discriminated against relatives. We said very negative things about them such as: the apple doesn't fall far from the tree; and, if your daughter wound up on drugs, why should we give the children to you?

So during those years, we would rather pay a stranger—and there can be wonderful foster parents—but a stranger to take care of children instead of families.

One of the things we did in Los Angeles was we organized the grandmothers, and we trained them how to go before the board of supervisors and advocate on their own behalf. That happened all around the country. So there really was a movement of relatives who rose up and said: We want our children; we just need help. We might be on a fixed income, and we can't really support the children.

It is actually more expensive to put a child in foster care. So there began a national movement for relative caregivers to fighting for their rights and for services. So over the years, we really evolved to the point where we have legislation like this where we recognize the benefit of having relatives take care of children.

Ironically, the last piece of legislation we were talking about was about children aging out of the system. Before we prioritized relatives, what would happen is a young child who was aging out of foster care, we would put them on the street, and the first thing they would do would be to go look for their families because they might have family somewhere, and they would often do that.

This legislation, I think, is extremely important to allow flexibility for licensing of relative caregivers. Examples of grandmothers who I worked with directly who wanted to take in their grandchildren but they were told they didn't have enough bedrooms in their house, and so we were going to put the children in more expensive foster care and break them up and send them to different foster homes instead of leaving them with the grandmother or assist her in moving.

So legislation like H.R. 2866, I believe, will begin to address some of these challenges and do what every child needs, which is to be in a loving home with family.

Mr. KELLY of Pennsylvania. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

H.R. 2866 is important because it supports kinship caregivers. Research shows that children placed in kinship care are safer, more stable placements and are more likely to be connected with their siblings and community than children placed in nonrelative placements.

In addition to these positive outcomes for children in relative care, research shows that kinship care place-

ments are more cost effective. In Illinois, cost studies estimated an average of \$4,778 in savings of title IV-E administrative expenses over an 8-year period compared to a match control group that did not have this option.

More than 400,000 children make up our Nation's foster care population with more than one in four of these vulnerable children living with a grandparent or other relative. We should do as much as we can to strengthen these families and children. H.R. 2866 takes an important step forward.

Mr. Speaker, I have two facilities in my congressional district that have outstanding programs. They are 45-unit buildings that have been constructed for grandparents raising grandchildren. One is operated by the Sankofa Safe Child Initiative, the other by the Coppin AME Church Community Development Agency. Both of these are tremendous examples of what can happen when children have the opportunity to be nurtured by grandparents.

Mr. Speaker, I strongly support this legislation. I urge its passage, and I yield back the balance of my time.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to take a minute because I think today is one of those days where the American people look to the people's House and say: Isn't it something that they can actually agree? Isn't it something that they actually think with their hearts? Isn't it actually something that they can come together on an issue that is so basic, so simple, and so easy to understand?

We are talking about our most precious asset and the country's best hope for the future: our children.

As I heard Ms. SEWELL talk and Ms. BASS talk, I know in their hearts how they feel about this. I know this is not something they just thought about today or this week or thought this would be a good piece of legislation; they think it is good because it is good for American people.

Mr. SMUCKER joined with Ms. SEWELL to have this legislation come forward. It is a breath of fresh air for the people's House. This is legislation that protects children, legislation that puts children with their families in case they can't be taken care of in their own homes, and it is an incredible effort by both sides.

I want to tell you what a great privilege it is to serve with you today and to be on the floor with you. Mr. DAVIS is eloquent. Ms. BASS, Ms. SEWELL, and Mr. SMUCKER of Pennsylvania are good friends of mine. So it is good to be here today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KELLY) that the House suspend the rules and pass the bill, H.R. 2866, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. KELLY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## MODIFICATIONS OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES

Mr. RICE of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1551) to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1551

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. MODIFICATIONS OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—Section 45J(b) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (4), by inserting “or any amendment to” after “enactment of”, and

(2) by adding at the end the following new paragraph:

“(5) ALLOCATION OF UNUTILIZED LIMITATION.—

“(A) IN GENERAL.—Any unutilized national megawatt capacity limitation shall be allocated by the Secretary under paragraph (3) as rapidly as is practicable after December 31, 2020—

“(i) first to facilities placed in service on or before such date to the extent that such facilities did not receive an allocation equal to their full nameplate capacity, and

“(ii) then to facilities placed in service after such date in the order in which such facilities are placed in service.

“(B) UNUTILIZED NATIONAL MEGAWATT CAPACITY LIMITATION.—The term ‘unutilized national megawatt capacity limitation’ means the excess (if any) of—

“(i) 6,000 megawatts, over

“(ii) the aggregate amount of national megawatt capacity limitation allocated by the Secretary before January 1, 2021, reduced by any amount of such limitation which was allocated to a facility which was not placed in service before such date.

“(C) COORDINATION WITH OTHER PROVISIONS.—In the case of any unutilized national megawatt capacity limitation allocated by the Secretary pursuant to this paragraph—

“(i) such allocation shall be treated for purposes of this section in the same manner as an allocation of national megawatt capacity limitation, and

“(ii) subsection (d)(1)(B) shall not apply to any facility which receives such allocation.”.

(b) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

(1) IN GENERAL.—Section 45J of such Code is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

“(e) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

“(1) IN GENERAL.—If, with respect to a credit under subsection (a) for any taxable year—

“(A) the taxpayer would be a qualified public entity, and

“(B) such entity elects the application of this paragraph for such taxable year with respect to all (or any portion specified in such election) of such credit,

the eligible project partner specified in such election (and not the qualified public entity) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) QUALIFIED PUBLIC ENTITY.—The term ‘qualified public entity’ means—

“(i) a Federal, State, or local government entity, or any political subdivision, agency, or instrumentality thereof,

“(ii) a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2), or

“(iii) a not-for-profit electric utility which has or had received a loan or loan guarantee under the Rural Electrification Act of 1936.

“(B) ELIGIBLE PROJECT PARTNER.—The term ‘eligible project partner’ means—

“(i) any person responsible for, or participating in, the design or construction of the advanced nuclear power facility to which the credit under subsection (a) relates,

“(ii) any person who participates in the provision of the nuclear steam supply system to the advanced nuclear power facility to which the credit under subsection (a) relates,

“(iii) any person who participates in the provision of nuclear fuel to the advanced nuclear power facility to which the credit under subsection (a) relates, or

“(iv) any person who has an ownership interest in such facility.

“(3) SPECIAL RULES.—

“(A) APPLICATION TO PARTNERSHIPS.—In the case of a credit under subsection (a) which is determined at the partnership level—

“(i) for purposes of paragraph (1)(A), a qualified public entity shall be treated as the taxpayer with respect to such entity’s distributive share of such credit, and

“(ii) the term ‘eligible project partner’ shall include any partner of the partnership.

“(B) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under paragraph (1), such credit shall be taken into account in the first taxable year of the eligible project partner ending with, or after, the qualified public entity’s taxable year with respect to which the credit was determined.

“(C) TREATMENT OF TRANSFER UNDER PRIVATE USE RULES.—For purposes of section 141(b)(1), any benefit derived by an eligible project partner in connection with an election under this subsection shall not be taken into account as a private business use.”.

(2) SPECIAL RULE FOR PROCEEDS OF TRANSFERS FOR MUTUAL OR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) of such Code is amended by adding at the end the following new subparagraph:

“(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2), income received or accrued in connection with an election under section 45J(e)(1) shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.”.

(c) EFFECTIVE DATES.—

(1) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. KELLY of Pennsylvania). Pursuant to the rule, the gentleman from South Carolina (Mr. RICE) and the gentleman from Massachusetts (Mr. NEAL) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. RICE of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1551, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RICE of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand in strong support of H.R. 1551, a bill I have sponsored that modifies the advanced nuclear production tax credit.

The nuclear production tax credit has been a vital incentive to jumpstart a nuclear industry that has been dormant for almost 40 years. Unfortunately, due to overregulation, ambiguities in the law, and other unanticipated events, the first-in-a-generation nuclear plants that began construction because of this tax credit are in danger of being shut down midconstruction.

Without certainty that these facilities will have full access to the allocation of their tax credits, it may be another 30 or 40 years before this country builds another cutting-edge nuclear facility. Thankfully, the legislation we are considering today provides these facilities the certainty they so desperately need to move forward.

□ 1630

Almost 12 years ago, Congress established the nuclear production tax credit as part of a broader package designed to ensure our energy independence. Not wanting to oversubsidize the nuclear industry, Congress set out to limit the credit in a number of ways, including a national production capacity that effectively capped the amount of this credit available.

South Carolina and Georgia responded to this incentive, making large investments in nuclear facilities that represented the pinnacle of safety and innovation in the industry. After years of applications, planning, and rigorous oversight by multiple regulatory authorities, these plants began construction in 2013, receiving sizable allocations of the nuclear production tax credit’s national capacity.

Yet, it quickly became clear changes to the underlying provision were necessary in order for these plants to fulfill the capacity allocation as Congress originally intended. For example, right now, not-for-profit entities like public utilities are unable to utilize or transfer their share of the credits, leaving the majority of the tax credits allocated to these two plants unusable.